

IFw

Dkt. 60726-AZ/JPW/GJG/DJK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Moses Rodriquez and Daren Ure
U.S. Serial No.: 10/776,442 Group Art Unit: 1614
Filed : February 10, 2004
For : TREATMENT OF CENTRAL NERVOUS SYSTEM DISEASES
BY ANTIBODIES AGAINST GLATIRAMER ACETATE

1185 Avenue of the Americas
New York, New York 10036
November 12, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMUNICATION TO CORRECT ERROR IN FILING RECEIPT

This Communication is filed to request the issuance of a corrected Filing Receipt in connection with the above-identified application. Upon receipt of the October 15, 2004 Filing Receipt issued by the U.S. Patent and Trademark Office ("the Office") in connection with the subject application, a copy of which is attached hereto as **Exhibit A**, applicants' undersigned attorney noticed errors in the Power of Attorney section and the Domestic Priority Data section.

Error To The Power Of Attorney Section

The Power of Attorney section of the October 15, 2004 Filing Receipt incorrectly lists two attorneys, James A. Reilly - 17413 and Benjamin P. Reese II - 28894, who have not been given power of attorney to the subject application. Furthermore, several attorneys who have been given power of attorney are not listed on in the Power of Attorney section of the October 15, 2004 Filing

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Receipt.

Applicants contend that the correct listing of attorneys may be found in the Declaration and Power of Attorney, filed on February 10, 2004 in connection with the subject application. A copy of the Declaration and Power of Attorney as filed is attached hereto as **Exhibit B**.

A corrected filing receipt should delete from the Power of Attorney section James A. Reilly - 17413 and Benjamin P. Reese II - 28894 and add those attorneys which are not listed in the October 15, 2004 Filing Receipt but are listed in the Declaration and Power of Attorney, filed on February 10, 2004.

Applicants note that since the subject application and the Declaration and Power of Attorney were filed prior to the effective date of the new 37 C.F.R. §1.32, (i.e. prior to June 25, 2004), they are not subject to the requirement of 37 C.F.R. §1.32(c)(3) which limits to ten or fewer, the number of registered patent attorneys or registered patent agents recognized by the Office as being of record in the subject application. Therefore, all the attorneys listed on the February 10, 2004 Declaration and Power of Attorney should be recognized by the Office as being of record in the subject application.

However, should the Office wish to limit the number of registered patent attorneys or registered patent agents recognized as being of record in the subject application to 10 or fewer, then the following list should be used:

John P. White (Reg. No. 28,678); Norman H. Zivin (Reg. No. 25,385); Christopher C. Dunham (Reg. No. 22,031); Peter J. Phillips (Reg. No. 29,691); Robert D. Katz (Reg. No. 30,141); William E. Pelton (Reg. No. 25,702); Paul Teng

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(Reg. No. (40,837); Alan J. Morrison (Reg. No. 37,399) and
Gary J. Gershik (Reg. No. 39,992).

Error To The Domestic Priority Data Section

The Domestic Priority Data section of the October 15, 2004 Filing Receipt incorrectly lists the subject application as a continuation when in fact the subject application is a divisional.

Applicants contend that the correct priority may be found in the Second Preliminary Amendment, filed on November 10, 2004 in connection with the subject application. A copy of the November 10, 2004 Second Preliminary Amendment is attached hereto as **Exhibit C**.

The Domestic Priority Data section should be corrected to read:

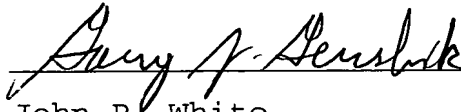
--Domestic Priority data as claimed by the applicant
This application is a **DIV** of 09/885,227 06/20/2001 PAT 6,800,285
which claims benefit of 60/287,171, 04/27/2001
and claims benefit of 60/269,788, 02/16/2001
and claims benefit of 60/212,577, 06/20/2000--

Accordingly, applicants request that a corrected Filing Receipt be issued.

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Filed : February 10, 2004
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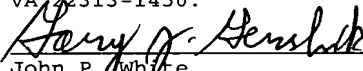
No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account 03-3125.

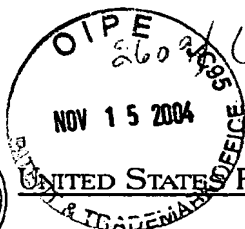
Respectfully submitted,



John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

 11/12/04
John P. White Date
Reg. No. 28,678
Gary J. Gershik
Reg. No. 39,992

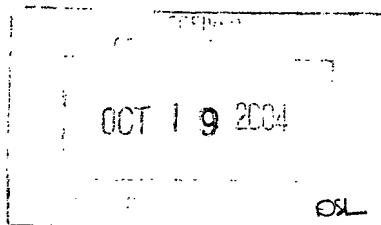


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/776,442	02/10/2004	1614	964	2609/60726-AZ/JPW/GJG/DJK	32	26	4

John P. White
 Cooper & Dunham LLP
 1185 Avenue of the Americas
 New York, NY 10036



CONFIRMATION NO. 3701

UPDATED FILING RECEIPT



OC000000014102112

Date Mailed: 10/15/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Moses Rodriguez, Rochester, MN;
 Daren Ure, Rochester, MN;

Power of Attorney:

JAMES A. REILLY--17413
 Christopher Dunham--22031
 Norman Zivin--25385
 WILLIAM E. PELTON--25702
 Jay Maioli--27213

John White--28678
 BENJAMIN P. REESE II--28894
 Peter J. Phillips--29691
 Robert Katz--30141
 Mark Farley--33170

Domestic Priority data as claimed by applicant

This application is a CON of 09/885,227 06/20/2001 PAT 6,800,285
 which claims benefit of 60/287,171 04/27/2001
 and claims benefit of 60/269,788 02/16/2001
 and claims benefit of 60/212,577 06/20/2000

Foreign Applications

If Required, Foreign Filing License Granted: 05/07/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/776,442**

Projected Publication Date: 01/27/2005

Non-Publication Request: No

Early Publication Request: No

Title

Treatment of central nervous system diseases by antibodies against glatiramer acetate

Preliminary Class

514

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Declaration and Power of Attorney

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I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Provisional Application No.</u>	<u>Filing Date</u>	<u>Status</u>
<u>60/287,171</u>	<u>April 27, 2001</u>	<u>Pending</u>
<u>60/269,788</u>	<u>February 16, 2001</u>	<u>Pending</u>
<u>60/212,577</u>	<u>June 20, 2000</u>	<u>Pending</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
<u>N/A</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

And I hereby appoint

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 33,515); Alan J. Morrison (Reg. No. 37,399); Mark A. Farley (Reg. No. 33,170); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershtik (Reg. No. 39,992); Alan D. Miller (Reg. No. 42,889); and Frank Bruno (Reg. No. 46,583)

and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

BEST AVAILABLE COPY

Declaration and Power of Attorney

Please address all communications, and direct all telephone calls, regarding this application to:

John P. White _____ Reg. No. 28,678

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor Moses Rodriguez

Inventor's signature Moses Rodriguez

Citizenship United States Date of signature 4-14-02

Residence 2402 Hillside Lane, S.W., Rochester, MN 55902

Post Office Address same

Full name of joint inventor (if any) Daren Ure

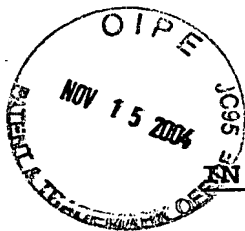
Inventor's signature Daren Ure

Citizenship Canadian Date of signature April 23/02

Residence 2315 22nd Street NW, Rochester, Minnesota, USA 55901

Post Office Address same

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Dkt. 60726-AZ/JPW/GJG/DJK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Moses Rodriquez and Daren Ure
U.S. Serial No.: 10/776,442 Group Art Unit: 1614
Filed : February 10, 2004
For : TREATMENT OF CENTRAL NERVOUS SYSTEM
DISEASES BY ANTIBODIES AGAINST GLATIRAMER
ACETATE

1185 Avenue of the Americas
New York, New York 10036
November 10, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

SECOND PRELIMINARY AMENDMENT

Prior to examination, applicants request that the following amendment be made in the above-identified application:

Applicants : Moses Rodriquez and Daren Ure
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In the Specification

Please amend the specification pursuant to 37 C.F.R. §1.121 by replacing the paragraph on page 1, lines 7-12 with the following paragraph:

This application is a ~~continuation~~ divisional of U.S. Serial No. 09/885,227, filed June 20, 2001, which claims the benefit of U.S. Provisional No. 60/287,171, filed April 27, 2001, U.S. Provisional No. 60/269,788, filed February 16, 2001, and U.S. Provisional No. 60/212,577, filed June 20, 2000, the contents of all of which are hereby incorporated by reference into the present application.

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Remarks

The U.S. Patent and Trademark issued an official Filing Receipt on October 15, 2004 in connection with the above-identified application (a copy of which is attached hereto as **Exhibit 1**). Applicants' attorneys noted that the Domestic Priority Data section of the October 15, 2004 Filing Receipt contained an error. Specifically, the subject application was listed as a continuation rather than as a divisional.

Upon review of the papers filed on February 10, 2004 in connection with the subject application, applicants' attorneys noted that subject application was referred to as a divisional in all instances (e.g. the post card, the Express Mail Certificate of Mailing, and the transmittal sheet) except in the paragraph on page 1, lines 7-12 of the subject application introduced by the February 10, 2004 Preliminary Amendment in which the subject application was inadvertently referred to as "[A] continuation of U.S. Serial No. 09/885,227, filed June 20, 2001..." (emphasis added).

Accordingly, applicants submit this Second Preliminary Amendment to correct the paragraph on page 1, lines 7-12 of the subject application to recite, "This application is a divisional of U.S. Serial No. 09/885,227, filed June 20, 2001...".

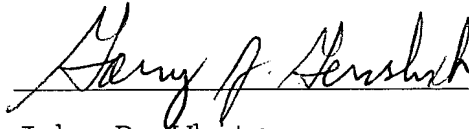
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of

Applicants : Moses Rodriguez and Daren Ure
U.S. Serial No.: 10/776,442
Filed : February 10, 2004
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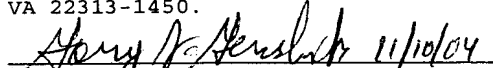
this Second Preliminary Amendment. However, if any fee is required, authorization is hereby give to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
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New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


John P. White Date
Reg. No. 28,678
Gary J. Gershik
Reg. No. 39,992